REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-7, 9, 11-19 and 21-46 are pending. Claims 1, 12-13, 24 and 37-39 have been amended. Claims 8, 10 and 20 have been cancelled. Claims 40-46 are new.

Applicants note with appreciation that the Examiner has considered and made of record documents submitted with the Information Disclosure Statements filed on November 3, 2004 and February 27, 2007.

The disclosure is objected to because of informalities. More specifically per the Official Action, the abbreviation TV (on page 2) and the abbreviation CRT (on page 6) should be spelled out. Amendments to the specification have been made. Accordingly, reconsideration and withdrawal of these objections are respectfully requested.

Claims 1, 30 and 37 are objected to because of informalities. More specifically, for claims 1 and 37 there is a lack of antecedent basis for the phrase "said clipping plane" because it was not previously recited. For claim 30, "there with" should be "therewith". The claims have either been amended or cancelled. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Claim 30 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The undersigned respectfully disagrees with this rejection. However, claim 30 has been cancelled.

Claim 30 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The undersigned respectfully disagrees with this rejection. However, claim 30 has been cancelled.

Claim 30 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The undersigned respectfully disagrees with this rejection. However, claim 30 has been cancelled.

Claims 13-19, 21-24, 31-36 and 39 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. More specifically, as stated in the Official Action, "the claims are not embodied on a computer-readable medium and are directed to nonfunctional descriptive material." The undersigned respectfully disagrees with this rejection, however independent claims 13, and 39 have been amended to include "displaying said user interface" which shows these claims to include functional descriptive material. Additionally, claims 13 and 39 have been amended to be embodied on computer-readable medium.

Accordingly, reconsideration and withdrawal of the rejection of claims 13-19, 21-24, 31-36 and 39 under 35 U.S.C. § 101 are respectfully requested.

Claims 1-3, 6-7, 9, 12, 13-15, 18-19, 21, 24-28, 31-34 and 36-39 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Robbins (U.S. Patent Application Number 2002/0126121 A1). Prior to discussing this ground of rejection in detail, a brief description of exemplary embodiments is provided below.

Exemplary embodiments described in the instant application are directed to systems and methods for selecting items from a list that can be operated using a pointing device or a wheel device. According to exemplary embodiments of the instant application, items are arranged in a list as regions along a three dimensional helical surface. For example, each item can be allocated to a wedge-shaped region along the helical surface. The user can select items by, for example, using a pointing device to pick that item's wedge or by using a wheel device to sequence through the items on the helix. Alternatively, a combination of a wheel and pointing device can be used to first scroll the helix, and then select an individual item. A clipping plane is used to remove parts of the helix from view once the user scrolls past them and reveal the selections in the cycle of the helix immediately beneath the clipping plane. Another feature of the helix menu is that it can be turned on its side and navigated at a course granularity.

By way of contrast, Robbins describes an interactive visualization of stored data which includes a representation of a three dimensional generally helical path extending between spaced apart ends of the path. Selections of the path are

mapped to stored data. However, it is respectfully submitted that there are clear differences between Robbins and Applicants' claimed combinations which will be described below with respect to Applicants' amended independent claim 1.

Amended Independent Claim 1

"A method for item selection comprising the steps of:
displaying a plurality of category labels along a helical surface having an axis, wherein said plurality of category labels identify groups of a plurality of items;
providing a said plurality of items on said helical surface;
selecting one of said plurality of items; and
clipping from view items on said helical surface which are above ~~said~~ a clipping plane."

Amended independent claim 1 now includes the material previously found in original claim 10. Regarding the subject matter previously found in Applicants' original claim 10, the Official Action correctly states the following:

"Robbins does not specifically teach displaying a plurality of category labels along said helical surface which identify groups of said plurality of items."

The Official Action attempts to use Asami to remedy this deficiency as follows:

"However, Asami teaches displaying a plurality of category labels along a helical surface which identify groups of said plurality of items (in figures 47-49 and 51-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Robbins with the teaching of Asami in order to provide contextual information to the user to aid in navigating the menu and increase organization."

The undersigned respectfully disagrees with the above reasoning for at least the following reasons. Firstly, assuming (strictly arguendo) that one of ordinary skill would have been motivated to modify Robbins with Asami as described in the Official Action, the result would not be the same as Applicants' claim 1 combination. The Figures cited in Asami (figures 47-49 and 51-52) merely describe spirals (which appear from the figures to be spiral lines and not helical surfaces) which have thumbnails of information across them as is described in paragraphs [0334] through [0336] which describe Figure 51 of Asami. Accordingly the combination of Robbins with Asami at best describes thumbnails across a spiral line, which is not the same as "displaying a plurality of category labels along said helical surface which identify groups of said plurality of items" (emphasis added).

Secondly, it is respectfully submitted that one of ordinary skill would not have been motivated to combine Robbins with Asami "to provide contextual information to the user to aid in navigating the menu and increase organization". More specifically, Robbins does not need the method shown in the cited Figures of Asami because Robbins already has its own method for navigation and organization as shown in Figure 12 for example. Additionally, grafting on the spiral with thumbnails across the spirals would unnecessarily crowd the interface illustrated in Figure 12 of Robbins.

Similar comments apply to amended independent claims 13 and 37-39. The dependent claims 2-3, 6-7, 9, 12, 13-15, 18-19, 21, 24-28, 31-34 are allowable at least for the reasons given above for the independent claims from which they ultimately depend.

Additionally, the dependent claims are allowable for reasons of their own. For example, amended dependent claims 12 and 24 describe a "free space" pointer which is neither taught nor suggested in the cited sections of both Robbins and Asami.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-3, 6-7, 9, 12, 13-15, 18-19, 21, 24-28, 31-34 and 36-39 under 35 U.S.C. § 102(e) over Robbins are respectfully requested.

Claims 4, 11, 16, 22, 23, 29 and 35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robbins (U.S. Patent Application Number 2002/0126121 A1) in view of Asami (U.S. Patent Application Number 2002/0054158 A1). These dependent claims are allowable at least for the reasons described above with respect to the independent claims from which they ultimately depend.

Accordingly, reconsideration and withdrawal of the rejection of claims 4, 11, 16, 22, 23, 29 and 35 under 35 U.S.C. § 103(a) over Robbins in view of Asami are respectfully requested.

Claims 5 and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robbins (U.S. Patent Application Number 2002/0126121 A1) in view of Asami (U.S. Patent Application Number 2002/0054158 A1) as applied to claim 4 above, and further in view of Matsuda (U.S. 6,346,956 B2). These

dependent claims are allowable at least for the reasons described above with respect to the independent claims from which they ultimately depend.

Accordingly, reconsideration and withdrawal of the rejection of claims 5 and 17 under 35 U.S.C. § 103(a) over Robbins in view of Asami as applied to claim 4 above, and further in view of Matsuda are respectfully requested.

New claims 40-46 have been provided to provide additional claim coverage. More specifically, claim 40 describes for the method of claim 1, wherein said step of displaying further comprises the step of: displaying said helical surface having an axis, wherein said axis is circular and provides a wrap-around effect between ends of said helical surface. Claim 41 describes a method for item selection within a graphical user interface (GUI) comprising the steps of: displaying a plurality of category labels along a helical surface having an axis, wherein said plurality of category labels identify groups of a plurality of items; providing said plurality of items on said helical surface, wherein said plurality of items represent movies; navigating said plurality of category labels through performing a screw turn motion with said helical surface; selecting with a free space pointer one of said plurality of items; and clipping from view items on said helical surface which are above said clipping plane. Claim 42 describes for the method of claim 41, wherein said step of displaying further comprises the step of: displaying said helical surface having an axis, wherein said axis is circular and provides a wrap-around effect between ends of said helical surface. Claim 43 describes for the method of claim 41, further comprising: displaying at least two helical menus. Claim 44 describes for the method of claim 41, further comprising: slicing said helical surface with a moveable marking plane. Claim 45 describes for the method of claim 41, further comprising: displaying a background for the GUI upon which said helical surface is displayed. Claim 46 describes for the method of claim 41, wherein said step of selecting further comprising: using a gesture with said free space pointer to select one of said plurality of items. It is respectfully submitted that they newly submitted claims are patentably distinguishable from the documents of record.

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that this application is in condition for

allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, he is invited to contact the undersigned at (540) 361-1863.

Respectfully submitted,

POTOMAC PATENT GROUP PLLC

By: _____

Steven M. duBois
Registration No. 35,023

Date: August 6, 2007

Potomac Patent Group PLLC
P.O. Box 270
Fredericksburg, VA 22404
(540) 361-1863